

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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LAWRENCE E. GILDER,

1:15-cv-04094-KAM-RER

Plaintiff,

-against-

**DECLARATION OF
RICHARD A. LUTHMANN**

JOHN P. GULINO, both individually and in his capacity as the Chairman of the DEMOCRATIC COMMITTEE OF RICHMOND COUNTY, DEMOCRATIC COMMITTEE OF RICHMOND COUNTY, BOARD OF ELECTIONS IN THE CITY OF NEW YORK, CLERK 1, CLERK 2 and CLERK 3, said names being as of yet unidentified parties, JOHN and JANE DOES 1-10, said names being fictitious; XYZ ENTITIES 1-10, said names being fictitious,

Defendants.

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RICHARD A. LUTHMANN, ESQ., pursuant to 28 U.S.C. § 1746, hereby declares as follows:

1. I am an attorney at law duly admitted to practice in the United States Court for the Eastern District of New York. As such, I am fully familiar with the facts and circumstances herein.

2. I represent LAWRENCE E. GILDER ("Mr. Gilder"), the Plaintiff in this matter.

3. I make this Declaration in opposition to the several Motions to Dismiss by the Defendants JOHN P. GULINO ("Gulino"), DEMOCRATIC COMMITTEE OF RICHMOND COUNTY ("DCRC"), and the BOARD OF ELECTIONS IN THE CITY OF NEW YORK ("NYCBOE").

4. The original Complaint in this matter with Exhibits is appended to the joint Motion to Dismiss of Defendants Gulino and the DCRC. For sake of continuity, the same will be referred to as the "Complaint" in this submission.

5. A copy of a sub-page of the NYCBOE's web page is attached herewith as Exhibit "A".

6. A copy of an article from the Staten Island Advance newspaper on January 12, 2015, is attached herewith as Exhibit "B".

7. A Certified Transcript of Defendant Gulino's interview with NY1 News on January 16, 2015, is attached hereto as Exhibit "C".

8. A copy of an article from the Staten Island Advance newspaper on January 19, 2015, is attached herewith as Exhibit "D".

9. A copy of an article from Crain's newspaper on February 10, 2014, is attached herewith as Exhibit "E".

10. A print-out of New York City Campaign Finance Board Records is attached herewith as Exhibit "F".

11. A copy of the NYCBOE Personnel Guideline is attached herewith as Exhibit "G".

12. A copy of the Certification of Party Nomination for the Democratic Party in the Special Election for New York's 11th Congressional District is attached herewith as Exhibit "H".

13. A report from the Congressional Research Service dated December 30, 2014, is attached herewith as Exhibit "I".

14. A copy of a sub-page of the United States House of Representatives' web page is attached herewith as Exhibit "J"

15. A copy of an article from the New York Times newspaper on November 4, 2009, is attached herewith as Exhibit "K".

16. A copy of an article from the Washington Post newspaper on December 7, 2014, is attached herewith as Exhibit "L".

Dated: Staten Island, New York
November 24, 2015

Respectfully submitted,

/s/ RICHARD A. LUTHMANN

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